

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chanan Berkovits	Team: Team # 4	CCRB Case #: 201201136	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/10/2012 5:10 AM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 7/10/2013	EO SOL 7/10/2013	
Date/Time CV Reported Thu, 01/26/2012 12:11 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 01/26/2012 12:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Shane Killilea	03372	927030	INT CIS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joan Ferreira	07431	941746	PSA 5
2. LT William Cook	00000	903677	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Shane Killilea	Abuse: Sgt. Shane Killilea supervised the entry and search of § 87(2)(b), in Manhattan.	§ 87(2)(b)

## Case Summary

§ 87(2)(b) and § 87(2)(b) filed a complaint in person at the CCRB on January 26, 2012 (encl. 4-5).

On January 10, 2012, officers entered and searched § 87(2)(b) § 87(2)(b), in Manhattan. The following allegations resulted:

- **Allegation A – Abuse of Authority:** Sgt. Shane Killilea supervised the entry and search of § 87(2)(b) in Manhattan. § 87(2)(g)

## Results of Investigation

### Civilian Statements

#### **Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) is § 87(2)(b) years old. She is a Hispanic female who stands 4'11" tall, weighs 170 pounds, and has blonde hair and brown eyes. § 87(2)(b).

§ 87(2)(b) was interviewed at the CCRB on January 26, 2012 (encl. 6-10). On January 10, 2012, at approximately 5:30 a.m., § 87(2)(b) and her § 87(2)(b)-year-old grandson, § 87(2)(b) were asleep inside their home located at § 87(2)(b) § 87(2)(b) in Manhattan. § 87(2)(b) woke up due to the sound of officers kicking down the door to her bedroom (**Allegation A**). Two white male officers entered § 87(2)(b)'s bedroom and pointed rifles at her. The officers wore helmets and carried plastic shields which protected their chests. § 87(2)(b) did not see how the officers gained access to her apartment. § 87(2)(b) asked the officers what was happening and they told her to be quiet. Two EMTs entered § 87(2)(b)'s bedroom and asked § 87(2)(b) if she wanted to go to the hospital, and she said that she did not. § 87(2)(b) asked the officers if she could call her son, § 87(2)(b) and they allowed her to do so. One of the officers handcuffed § 87(2)(b).

Approximately 15-20 minutes after § 87(2)(b) woke up, § 87(2)(b) arrived. Officers would not allow § 87(2)(b) to enter the apartment. § 87(2)(b) asked the officers to show him a document which explained why they were entering the apartment. § 87(2)(b) did not hear the officers respond to § 87(2)(b) in any way. § 87(2)(b) did not hear any other interaction between § 87(2)(b) and officers. § 87(2)(b) left the location.

A Hispanic officer and an Indian officer entered § 87(2)(b)'s bedroom and took her out of the apartment. As she passed through the living room, § 87(2)(b) observed § 87(2)(b) handcuffed and sitting in a chair. The officers took § 87(2)(b) to the PSA5 stationhouse, but she was released without going to Central Booking. She did not receive any documents. When § 87(2)(b) returned home, she found that her entire apartment had been searched (**Allegation A**).

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) is § 87(2)(b) years old. He is a Hispanic male who stands 5'6'' tall, weighs 220 pounds and has black hair and brown eyes.

§ 87(2)(b) was interviewed at the CCRB on January 26, 2012 (encl. 11-15). § 87(2)(b) provided testimony which was consistent with that of § 87(2)(b) with the exception of the following: On January 10, 2012, at approximately 5:10 a.m. § 87(2)(b) was in his bedroom located at § 87(2)(b) § 87(2)(b) in Manhattan. § 87(2)(b) heard voices yelling, "NYPD. We're coming in." § 87(2)(b) assumed that the police were entering another apartment in his building and went to sleep. When § 87(2)(b) woke up, he observed two white male officers who were wearing helmets in his room (**Allegation A**). One officer was holding a plastic shield and the other was holding a gun with a light on it. The officers handcuffed § 87(2)(b). The officers asked § 87(2)(b) if he had any weapons, and he said that he did not. The officers took § 87(2)(b) off his bed. The officers flipped § 87(2)(b)'s bed over. The officers opened § 87(2)(b)'s closet. Inside the closet is a container of § 87(2)(b)'s shoes, and the officers looked through it (**Allegation A**).

The officers took § 87(2)(b) into the living room. There were approximately three plainclothes officers present. When he entered the living room, § 87(2)(b) observed that the front door of his apartment had been broken down. He did not observe the officers breaking the door. Officers entered § 87(2)(b)'s room.

PO1, identified through the investigation as Sgt. Shane Killilea of the Intelligence Criminal Section, questioned § 87(2)(b). Sgt. Killilea indicated to a stack of papers in his hand and said that he had a court order to search the apartment for drugs. Approximately 15-20 minutes after the officers entered the apartment, § 87(2)(b)'s uncle, § 87(2)(b) arrived at the apartment. The officers told § 87(2)(b) to wait in the hallway outside the apartment. The officers removed § 87(2)(b) from the apartment. Approximately 10 minutes later, the officers took § 87(2)(b) to the PSA5 stationhouse where he was charged § 87(2)(b). When § 87(2)(b) left his apartment, he observed officers inside his bedroom. He did not see officers search any areas of his apartment other than his bedroom.

**NYPD Document(s)**

**Arrest Report**

The arrest report prepared by PO Joan Ferreira of PSA5 records that § 87(2)(b) was arrested pursuant to an executed search warrant. He was charged with § 87(2)(a) 160.50 § 87(2)(b) (encl. 16-17).

**Search Warrant Information**

Search Warrant information (encl. 23) shows that warrant number § 87(2)(b) was requested by Sgt. Killilea. It was signed by the Honorable § 87(2)(b) and executed on January 10, 2012.

**Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)

### **Status of Civil Proceedings**

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of March 2, 2012 with regard to the incident (encl. 20).

### **Civilians Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilians CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2-3).

### **Subject Officer CCRB History**

- Sgt. Killilea has been a member of the service for 11 years and there are 2 substantiated CCRB allegations against him. (encl. 1):
  - In CCRB case number 200301499, two retaliatory summons allegations were substantiated against Sgt. Killilea, and he was penalized seven vacation days.

### **Conclusion**

### **Identification of Subject Officer(s)**

- The search warrant information identified Sgt. Killilea as the supervisor present during the execution of the warrant; § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegations Not Pleaded**

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **Allegation A – Abuse of Authority: Sgt. Shane Killilea supervised the entry and search of § 87(2)(b), in Manhattan.**

§ 87(2)(g)

[REDACTED]

[REDACTED]

Team: 4

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Investigator: \_\_\_\_\_  
Signature

Chanan Berkovits  
Print

March 8, 2012  
Date

Supervisor: \_\_\_\_\_  
Title/Signature

Print

Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date